

## WOULD USE DOOMED MEN TO AID SCIENCE

Test New Drugs and Surgical Operations on Them, Urges J. S. Durand.

## "NO MORE CRUEL THAN LIFE IMPRISONMENT"

Substitution for Death Penalty Suggested at Medical Jurisprudence Meeting.

John S. Durand, a lawyer, of 81 Fulton st., speaking before the American Association of Medical Jurisprudence at the Academy of Medicine yesterday, advocated the abolition of the death penalty and the substitution of a state laboratory in which persons condemned to death might be used for experiments with new drugs and surgical operations.

"They would be used as guinea pigs are now used," said Mr. Durand to a Tribune reporter after the meeting.

"A Scientific Substitute for the Death Penalty" was the subject of Mr. Durand's paper.

"Under present conditions when society forfeits the life of a criminal," said Mr. Durand, "he is put to death usually by hanging or electricity, and much of great value has been learned as to the effect of electric currents of high voltage upon the human system; but there is almost a limitless field of research as to the effect of various medicines upon the human body and as to the possibility of so controlling its functions that operations now considered impossible of performance may become a matter of everyday occurrence."

## New Tests on Human Beings.

"In the medical field new drugs are being discovered and new serums prepared, the effects of which upon the human system are yet to be determined. Much might also be learned as to the effect of many drugs now in use on the blood of human beings, and as to the various processes of digestion and assimilation."

"With a properly devised machine, various poisons could be introduced directly into the blood and their effects noted while the blood itself is passing through glass or other transparent tubes as living blood, the small portion so treated being switched out of the artificial circulatory system and not returned to the body. An appropriate moving picture camera, properly adjusted, would record the various changes in the composition of the blood, and such a camera would record the changes caused by drugs administered internally."

"How much more scientific, therefore, instead of blotting out a life that is forfeited to the state, to utilize that life in the interest of science and for the purpose of assisting man in his fight against disease and for the relief of human suffering."

"Starting, you will say, perhaps cruel. Yes, but it is not cruel to put a man on the gallows or in the electric chair and take his life to no purpose other than to deter others from the commission of the crime of which he has been convicted? And in states where there is no capital punishment, is it not cruel to deprive a man of his liberty so long as he shall live? When we speak of punishment, we must differentiate between cruelty which is wanton and the infliction of suffering for a justifiable end."

## Tests by Scientists Only.

"Of course, the investigations to be made would have to be in the hands of men of the highest standing. Each test would have to stand alone, and an application for permission to make it must be made in writing, describing fully what is proposed to be done."

"Visitation certainly would not be permitted, but the commission should, after careful investigation, decide the proper limits within which tests should be allowed, always bearing in mind that nothing calculated to inflict torture or probably calculated to cause death should be permitted. This would adequately protect the prisoner from suffering and prevent public criticism on humanitarian grounds."

"It remains only to consider whether or not such a plan would infringe the constitutional rights of the prisoner under that clause of the federal and state constitutions which forbid the infliction of cruel and unusual punishments."

"Could you obtain such a law?" asked Judge Harry V. Osborne, of New Jersey. "Public sentiment would be against it." Charles A. Boston read a paper on "Sterilization Laws," ground that was covered from the medical viewpoint by Dr. A. E. Gallant. Dr. L. F. Bishop had a paper on "Arterio-Sclerosis." Theodore Sutro asked, "Do professional ethics require a physician to disclose to the patient an unfavorable prognosis?" those answering being of the opinion that a physician should tell the truth, but not necessarily to the extent that his patient be sometimes frightened. Dr. Frank Wade Robertson, former superintendent of Elmira, spoke on "Problems of Psychiatry and Penology."

Discussing the latter paper, Dr. Arthur G. Brush, of Brooklyn, criticized the school system of to-day, which he said did not inculcate discipline, but did turn out pupils with only a smattering of knowledge.

"Boys," he said, "are less wild, but more vicious. I speak now of the Brooklyn Polytechnic. There never was a time when the boys of that school were as vicious as they are to-day."

After the various papers Charles A. Boston was elected president of the association. Last evening the members dined at the Café des Beaux-Arts.

## THIRD DEGREE FOR BURNS

Detective Asked About Work in Mary Phagan Case.

(By Telegram to the Tribune.)

Atlanta, May 2.—Detective W. J. Burns went through the third degree in a hearing to-day before Judge Ben H. Hill, in which he was grilled by Solicitor General Dorsey about his connection with the Mary Phagan murder case.

The solicitor demonstrated by his questions that he has closely followed the movements of the detective in Atlanta and other cities he has visited since he was employed for the defence of Leo M. Frank.

The examination was made in order that the detective's testimony might be made a part of the record in the motion for a new trial for Frank.

Burns said that so far as he knows the defence has no witnesses whose testimony has not been introduced in the case. Burns has discovered proof of no guilt on the part of Leo M. Frank, a negro said to have confessed.

## AN AMBULANCE HIS COURT

Judge Migrates to Hear Plea of Injured Man.

Mineola, Long Island, May 2.—Lying on his back in an ambulance, Captain Joseph Elderd, of Baldwin, Long Island, pleaded not guilty to-day to a charge of burglary in the third degree. As he was unable to get up the courthouse steps, one of his legs being broken, County Judge Niemann heard the man's plea in the street.

The complaint against Elderd was made by Wesley Smith, of Baldwin, who alleges that Elderd tried to break into his oyster house on February 15 last, springing a trap that fractured his leg.

Elderd has since been under the guard of two sheriff's officers at his home, in Baldwin. Sheriff Pettit got tired of paying the two men \$4 a day for their services, so he had Elderd carried to the courthouse. The man was held in \$1,500 bail, which he furnished.

## CAPT. COLLINS'S SON WILL GIVE UP NAME

Former Wife, Mrs. Laimbeer, Gets Permission from Court to Make Change.

On the application of Mrs. Nathalie Schenck Laimbeer Justice Davis signed an order yesterday granting permission for George Fessenden Collins to assume the name of George Morgan Laimbeer, the change to take effect on June 15. Mrs. Laimbeer is the widow of William Laimbeer, the broker killed in an automobile accident on August 4 last at Long Beach. The boy is a son of Mrs. Laimbeer by her marriage to Captain Charles Glen Collins, who was recently acquitted in Baltimore of a charge of defrauding a bank officer.

Mrs. Laimbeer obtained a divorce from Captain Collins in 1908, marrying again in 1909. The decree gave the mother the custody of the son, and since the divorce she said the father had not contributed to his support or education.

Mrs. Laimbeer has two children by her second marriage, and wishes them all to bear the name of her second husband, "who was a man of excellent character."

## NEW CLEOPATRA SEEKS ANTONY HERE

Egyptian Widow, Beautiful and Rich, Asks Hotel Porter for Mate.

A registered letter from Alexandria, Egypt, addressed to "The Head Porter, Hotel Astor, New York City, U. S. A.," was delivered yesterday, and showed how close is the tie that binds one porter to another throughout the world. It seems that there is another Cleopatra along the Nile who is angling for an Antony.

The letter, which was written on fine French note paper, read as follows: "Gentlemen: Considering your knowledge of the city and of the most eminent and wealthy men of society, I hereby appeal to your kindness to take the following matter into your earnest consideration."

"My friend, a beautiful widow, twenty-two (22) years of age, would like to make the acquaintance, by correspondence first and then personally, of a very wealthy American gentleman. The age of the latter is of no consequence."

"It would facilitate the matter if you post on the bulletin board in the hotel hall the following notice:

BEAUTIFUL WIDOW, 22 years old, would like to correspond with a very wealthy gentleman. For further particulars apply to the head porter, or Mrs. A. Villiers, Carlton Hotel, Alexandria, Egypt."

"In case you should know of any one who could arrange the affair directly, please send my address, as widow in question intends to leave for America in October, 1914."

"Rich reward will be forwarded to you as soon as we start a good correspondence with sure references."

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## SCENTS FRAUD IN SPECIAL ELECTION

Indictments May Follow Investigation Whitman Has Been Making.

## BOOKS SHOW REPEATERS ACTIVE

Men in Murphy's District Say They Didn't Vote, Though So Recorded.

Indictments may follow the investigation that District Attorney Whitman has been making of the vote at the special election to determine whether there should be a constitutional convention. However, even if it should be proved that many fraudulent votes had been cast, it would not change the result of the election as announced. In some quarters it was reported yesterday that there was a chance for the overthrow of the majority of 1,353 by which the constitutional convention was carried in the state.

It was explained last night by a politician familiar with the law that there could be no disputing the number of ballots in the boxes without an official recount after the court had ordered the boxes opened.

The charges are that repeaters were allowed to vote on the names of men who did not take the trouble to go to the polls. It was said that out of five hundred registered voters in the 12th Assembly District, of which Charles F. Murphy is the Tammany leader, who were down on the books as having voted, and who have been examined, 148 have told the District Attorney's office they did not go to the polls at all.

In the 12th Assembly District 2,708 votes were cast for the convention and only 194 against it.

Assistant District Attorney William A. DeFord, who has charge of the investigation, is also looking into the vote in the districts of Tom Foley and Thomas F. McAvoy.

The District Attorney's office has subpoenaed the poll books from several of the election districts and the signatures of the men who voted at the special election will be compared with the signatures signed by the voters in the registration books at the last regular election in November.

Mr. De Ford has already certain data that he thinks will lead to the discovery that there were many fraudulent votes cast in the districts being investigated. He has placed his information before the grand jury, and Judge Mulqueen has continued the meeting of the grand jury for the purpose of the investigation.

## COW EARNS \$1,200 A YEAR

Captain Cassatt's Animal Gives Nearly Ten Tons of Milk.

Philadelphia, May 2.—Nearly ten tons of milk and the equivalent of more than 1,200 pounds of butter in a year is the world's record production of the Guernsey cow May Rima, owned by Captain C. B. Cassatt at his Chesterbrook farm at Berwyn, near here. For the year ended yesterday, the cow's record is 19,573 pounds of milk and 1,973.1 pounds of butter fat, the gross earnings of the animal for the year being nearly \$1,200.

Representatives of the dairy division of the United States Department of Agriculture and of seven of the principal dairy states conducted the tests throughout the year.

## Stern Brothers' New Aid.

Arthur D. Brandeis, of Omaha, one of the ablest and most successful retail merchants in this country, has acquired a large interest in the common stock of Stern Brothers and has been elected vice-president of the corporation. Mr. Brandeis will to-morrow enter upon his active duties as one of the managing directors.

## PLANKS USED AS SPLINTS

Ball Player's Broken Leg Banded with Boards.

When he had used all the splints in the ambulance Dr. P. W. Bergen, of St. Mary's Hospital, Jamaica, tore planks from the grandstand in Jamaica Oval, a baseball park, yesterday to aid in bandaging the leg of a member of the Newtown High School baseball team, who had broken a leg while sliding to second base.

The injured lad was Benjamin Feinman, nineteen years old, of 158 Bedford avenue, Brooklyn, shortstop.

Feinman essayed a long slide in the contest with Jamaica High and his right leg doubled under him in such a way that it snapped.

Dr. Bergen, having just conveyed a broken-legged patient to the hospital, found that he had no more splints.

Planks were hastily wrenched from the grandstand and braces made for the injured man. He was then taken to the hospital.

## MOB SEES POLICE MAKE TWO RAIDS

Six Men Arrested in Alleged Gambling Houses and Stuss Tables Are Found.

More than two thousand persons saw Inspector Thomas T. Ryan and Lieutenant "Dan" Costigan raid alleged gambling houses at 103 and 125 West 116th st. yesterday afternoon. Seventy men were found in the two places. Six arrests were made, and one police confiscated the telephones and gambling equipment.

The men arrested said they were Harry Harris, of 103 West 116th st.; Albert Bernstein, salesman, of 45 West 116th st.; Harry Gardner, salesman, of 21 East 116th st.; Harry Seplins, cigar maker, of 26th st. and Surf ave.; Coney Island; Abraham Gold, a cutter, of 30 West 109th st.; and Philip Stein, of 337 West 144th st. Stein, who was charged with running a stuss game (a felony), was locked up in the West 125th st. station. The five others, charged with conducting a poolroom, were liberated on \$500 bail each.

When the police forced the door of a room behind a stationery store at 103 West 116th st. there was a rush of thirty men into the store.

At the other place, a six story apartment house, the door of the flat had to be burst in. Two stuss tables were found.

## CITY GETS MORE COUNSEL

Two Men Appointed Assistants in Polk's Department.

The appointments of two assistant corporation counsels were announced yesterday by acting Corporation Counsel Hahlo, in the absence of Frank L. Polk, head of the department.

E. Crosby Kindelberger, a Republican, of 11 West 5th st., got a place paying \$5,000 a year, and Louis Hasbrouck Newkirk, Progressive, of 52 East 81st st., a \$4,000 job. He takes the place of Leon Godley, now Third Deputy Police Commissioner.

Mr. Kindelberger, who succeeds Richard H. Mitchell, elected District Attorney of The Bronx last fall, was a candidate for Congress from the 14th District two years ago. Prior to that he was an assistant in the District Attorney's office.

## EXPLOSION VICTIMS DIE

Injuries Received in Laundry in Jersey City Fatal to Two.

The second and third victims of the bursting of a laundry "extractor" at 558 Palisades ave., Jersey City, died yesterday. They were Charles Lehman, proprietor of the laundry, and William Symons. Symons was under the "extractor," trying to find what was the matter with it, when it exploded.

William Walters died three hours after the explosion on Friday night.

A police patrol wagon was used to help rush the injured men to Christ's Hospital. On the way back the horse bolted, threw the driver, John Werner, and trampled on him. Werner had to be taken back to the hospital.

## EXPECTED MASSACRE, SAY REFUGEES, HERE

Americans of Rincon Antonio Saved After Arrest by Rurales.

## TELEGRAM OF RELEASE AVERTS SLAUGHTER

Freight Steamer from Puerto Mexico Brings 31 in Safety to Port.

The American-Hawaiian freighter Oregonian brought to port yesterday from Puerto Mexico thirty-one American refugees, including eight children and four women, who had been arrested at Rincon Antonio by the 17th Federal Infantry.

Among them was W. B. Ryan, vice-president and general manager of S. M. Pearson & Son, Limited, of which Lord Cowdray is chairman. According to the refugees, Mr. Ryan was responsible for their release and prevented what all believed would have been a massacre by the Mexican soldiers or the mobs.

The first warning the Americans of Rincon Antonio received that it would be well to leave the country at once came on April 21. The place is on the line of the Tehuantepec Railway, about 100 miles from Puerto Mexico, the terminal on the Gulf, and about 120 miles from the Pacific terminal, at Salina Cruz. Nearly all of the refugees are employees of the railroad. After assembling at the railway station, the male members of the party decided that the best route for the women and children would be westward to Salina Cruz, and all of the wives and children of the railroad men boarded the first train out in the hope of boarding a northbound steamship for San Francisco.

The eight children and four women who arrived here yesterday on the Oregonian elected to stay with the heads of

their respective families and return to New York if possible by way of Puerto Mexico. Hardly had the half-dressed Americans assembled in the railroad station when they were surrounded by the 17th Federal Infantry, who put them under arrest, declaring that it was merely a precautionary measure to protect them from mob violence.

Mr. Ryan at once sent a telegram to General Gamboa, at Geronimo, and within a half hour orders were received for the Federal colonel to release them. The entire party climbed into freight cars and started on their way to Puerto Mexico.

As the refugees were about to leave the town, Albert Schumacher, treasurer of the Pearson syndicate, announced that he was the custodian of the company's safe, containing \$80,000 in bullion and gold certificates, and declared that he would not leave unless the Federal colonel would become the custodian of the safe and its contents. This request was denied, so Schumacher and Frederick H. Palmer, a young English electrician, who refused to leave him, stood by to guard the company's property.

Richard E. Cranfield, an Englishman who was employed as general storekeeper for the Pearsons, returned on the Oregonian with his wife and his daughters, Rose, nine years old, and Barbara, eighteen months.

"The rurales," he said, "took everything we had and also stole a carload of dynamite that I had just received for blasting in our properties. They used all of this explosive in planting mines along the route of the Tehuantepec Railroad, as it was their plan to blow up any train that might come along bearing American marines."

According to Mr. Cranfield, the Mexican soldiers would have shot the entire party had not Mr. Ryan telegraphed to General Gamboa and received from him an order for release.

The refugees were assisted in boarding the Oregonian by boats from the British cruiser Berwick, some of the Americans boarding the steamship Texan for Philadelphia.

Mr. Ryan, who lives at Greengrub, Penn., was accompanied by his daughter, Miss Juliet Ryan, twenty-one years old.

## Tarpon Are Striking.

It will be of interest to tarpon fishermen who have been complaining about the backwardness of the tarpon season to know that in the latter part of April a number of big takes were reported from Tarpon Inn, Uaupia Island, Charlotte Harbor. Twenty-one were taken in one day, and from then on the tarpon continued to strike.

## CAUSES ARREST OF DIVINITY PROFESSOR

Man Alleging Illegal Prosecution Sues W. W. Rockwell—Bail Permits Defendant to Sail.

William Walker Rockwell, professor of Church history at the Union Theological Seminary, was arrested on Friday night by Deputy Sheriffs McDonnell and Zeltner in a suit brought by Louis Solomon charging malicious prosecution, for which the plaintiff asks \$5,000 damages. The arrest of Mr. Rockwell was made at the seminary just as he was preparing for his departure for Europe on the steamship Vaderland, but it did not interfere with his sailing, as the treasurer of the seminary furnished the \$5,000 bail in the form of a certified check.

Solomon, who is a salesman in a store at 136 Amsterdam ave., complained that on April 20 the seminary instructor caused his arrest, with intent to injure him.

He said that he was held for a day in the Harlem prison, "in the midst of dirty and sundry low and disorderly persons and criminals." In the magistrate's court he was held for the Court of Special Sessions, where he was acquitted on April 2.

Deputy Sheriffs McDonnell and Zeltner also arrested on Friday night the Rev. Marcellus Hucless, of 129 West 124 st. His arrest was due to a judgment that Andrew M. Battle obtained against the negro clergyman for slander. The judgment was originally for \$50, but with interest and costs it amounted to \$150, on which \$50 had been paid. The minister thought over the matter after being placed under arrest, and then decided to pay the rest of the judgment, whereupon he was released from custody.

## New Home for Kiernan Agency.

Requiring larger quarters, the Frank Kiernan Advertising Agency, located for the last fourteen years at 156 Broadway, has removed to 159 Broadway, at the corner of De Witt st.

The Kiernan Agency is one of the oldest in New York, having been established in 1859 by the late Senator John J. Kiernan, who founded the Kiernan Financial News Bureau and originated the slip and ticker service, which is so popular in Wall Street and all financial centres of the United States.

## STERN BROTHERS

Forty-second and Forty-third Streets, West of Fifth Avenue

To-morrow, in the Upholstery Department, Fourth Floor, the Annual Sale of

## Deer Isle Couch Hammocks, at \$9.25

Regular Value \$14.50

In white, khaki and green, complete with steel chains; exceptionally well made and nicely finished. One of the most important features for Summer comfort on the verandas of suburban homes; a very remarkable quality at this low price.

Purchasers who are not ready to receive these Couch Hammocks can arrange to have them shipped later on, at their convenience.

## Sale of China and Glassware

For the Furnishing of Country Homes

Several specially reduced groups of the most desirable makes of China and Glassware will be offered, to-morrow, on the Fourth Floor, as follows:

## \$25.00 Dinner Sets, at \$17.50

107 pieces; of American Porcelain; in dainty floral decorations.

English Porcelain Dinner Sets, 107 pieces, antique shape, broad border pattern. Usual price \$27.00; special at \$20.00

English Porcelain "Cauldon" Dinner Sets, 107 pcs; Usual price \$45.00; special \$30.00

English Porcelain "Wedgwood" Dinner Sets, 107 pcs; Usual price \$62.00; special \$50.00

Hungarian Glass Table Service, 60 pieces; Roman gold bands; Usual \$16.50; Special \$11.00

French "Baccarat" Table Service, 60 pieces, etched design, cut stem; Usual price \$28.00; special at \$20.00

Austrian China Tete-a-Tete Egg and Fruit Sets, Usually \$3.75; Special at \$2.50

Austrian and English China Plates, various sizes, Usually \$3.00 to 7.95 Doz.; at \$2.00, 4.00

Imported Serving Trays, round, oval and oblong shapes; willow with crettonne centres; Usually \$1.25 to 3.95, Special at 85c, 2.75

Another Extraordinary Sale, To-morrow, on the Main Floor, of

## Rogers Silverplated Tableware

Sectional plated, on 18% nickel silver base, fully guaranteed; all pieces being in the new "Laureate" pattern, which we will always carry in stock and from which additional articles can be purchased at any time, at regular prices.

The following pieces in this new attractive pattern, at very special prices:

Tea and Coffee Spoons, . . . half doz. 65c

Oyster Forks . . . " " \$1.00

Dessert Spoons and Forks, . . . " " 1.25

Salad and Fish Forks, . . . " " 1.65

Table Spoons and Forks, . . . " " 1.35

Butter Spreaders, . . . half doz. \$1.45

Soup and Bouillon Spoons, round bowl, . . . half doz. 1.45

Dinner Knives, flat handle, to match above items, . . . half doz. 1.60

Also, to-morrow, will be offered the following:

Eight-inch Casseroles and nine-inch Pie Plates, in silver-plated frames, of pierced design, at \$1.95

On the Fifth Floor, a special importation of

## \$25.00 to 30.00 Oriental Rugs, at \$15.75 Each

In small and medium sizes, mostly in useful, heavy Mousouls, well fitted for service in country or city homes. This is one of the very best offerings of low priced Oriental Rugs made this season.

We have also reduced prices, for to-morrow, on an excellent group of

## Room Size Persian Rugs

from our regular stock, at the following extraordinarily low